

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURTHOUSE
500 PEARL STREET
ROOM 520
NEW YORK, NEW YORK 10007

DATE: MARCH 26, 2004.

CLERK,
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
1 COURTHOUSE WAY
BOSTON, MA. 02210

JOSE EDUARDO RODRIGUEZ
RE: USA - V - MINAYA
SDNY MAG. DOCKET # 04 MAG. 1958

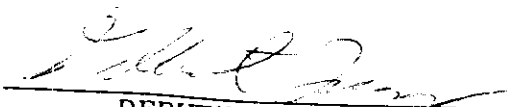
DEAR SIR/MADAM:

REFERRING TO THE ABOVE CAPTIONED MATTER, PLEASE BE ADVISED, FOR
RECORD PURPOSES, THAT THIS MATTER HAS BEEN DISPOSED OF AS
FOLLOWS:

- (XXXXXX) 1. DEFENDANT (UPON WAIVER OF HEARING) REMANDED TO
THE U.S. MARSHAL FOR REMOVAL.
- () 2. DEFENDANT (UPON WAIVER OF HEARING) BAILED FOR
HIS APPEARANCE IN YOUR DISTRICT. BOND ENCLOSED.
- () 3. PROCEEDINGS DISMISSED INCIDENT TO TURNOVER OF
DEFENDANT IN STATE EXTRADITION PROCEEDING.
- () 4. COMPLAINT DISMISSED BY YOUR DISTRICT.

YOURS TRULY,

J. MICHAEL MCMAHON
CLERK OF COURT

BY 
DEPUTY CLERK

PLEASE ACKNOWLEDGE RECEIPT OF RULE 5(c)(3)
DOCUMENTS ON COPY OF THIS LETTER.

GILBERT QUAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURTHOUSE
500 PEARL STREET
ROOM 520
NEW YORK, NEW YORK 10007

DATE: MARCH 26, 2004.

CLERK,
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
1 COURTHOUSE WAY
BOSTON, MA. 02210

JOSE EDUARDO RODRIGUEZ
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CLERK OF COURT

BY 
DEPUTY CLERK

PLEASE ACKNOWLEDGE RECEIPT OF RULE 5(c)(3)
DOCUMENTS ON COPY OF THIS LETTER.

GILBERT QUAN

CLOSED

U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:04-mj-01958-ALL
Internal Use Only

Case title: USA v. Eduardo Rodriguez Minaya
Other court case number(s): None
Magistrate judge case number(s): None

Date Filed: 10/08/04

Assigned to:
Referred to:

Defendant(s)

Jose Eduardo Rodriguez Minaya (1)
TERMINATED: 10/12/2004

represented by **Jack Goldberg**
225 Broadway
Suite 905
New York, NY 10007
(212) 227-1900
LEAD ATTORNEY
Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

A TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.
[Signature]
DEPUTY CLERK

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Disposition

21:841:POSSESS WITH INTENT TO
DISTRIBUTE COCAINE; , 21:846:
CONSPIRACY TO POSSESS, AND TO
POSSESS WITH INTENT TO DISTRIBUTE

COCAINE.

Plaintiff

USA

represented by **Christopher Louis Garcia**
 U.S. Attorney's Office, SDNY (St Andw's)
 One St. Andrew's Plaza
 New York, NY 10007
 212-637-1022
 Fax : 2126372527
 Email: christopher.garcia@usdoj.gov
LEAD ATTORNEY

Filing Date	#	Docket Text
10/08/2004	1	RULE 5(c)(3) AFFIDAVIT (District of Massachusetts) of Marlow Luna, Special Agent, Drug Enforcement Administration, as to Jose Eduardo Rodriguez Minaya. (Signed by Judge Frank Maas on 10/8/2004) (gq,) (Entered: 10/12/2004)
10/08/2004		Arrest (Rule 5(c)(3)) of Jose Eduardo Rodriguez Minaya. (gq,) (Entered: 10/12/2004)
10/08/2004	2	NOTICE OF ATTORNEY APPEARANCE: Jack Goldberg by Alexei Schacht appearing for Jose Eduardo Rodriguez Minaya. (gq,) (Entered: 10/12/2004)
10/08/2004		Minute Entry for proceedings held before Judge Frank Maas :Initial Appearance as to Jose Eduardo Rodriguez Minaya held on 10/8/2004. (gq,) (Entered: 10/12/2004)
10/08/2004		Minute Entry for proceedings held before Judge Frank Maas :Initial Appearance in Rule 5(c)(3) Proceedings as to Jose Eduardo Rodriguez Minaya held on 10/8/2004. Appearance entered by Jack Goldberg by Alexei Schacht for Jose Eduardo Rodriguez Minaya on behalf of defendant. Detention on consent without prejudice. Mr. Schacht standing in unwilling to waive identity hearing, but it may be waived once Mr. Goldberg confers with AUSA Garcia. Identity hearing set for 10/14/2004 noon. (gq,) (Entered: 10/12/2004)
10/08/2004	3	ORDER OF REMOVAL from the U.S.D.C. Southern District of New York to the United States District Court - District of Massachusetts, as to Jose Eduardo Rodriguez Minaya. (Signed by Judge Frank Maas on 10/8/2004)(gq,) (Entered: 10/12/2004)
10/08/2004		***Case Terminated as to Jose Eduardo Rodriguez Minaya.(gq,) (Entered: 10/12/2004)
10/12/2004		***Terminated defendant Jose Eduardo Rodriguez Minaya.(gq,) (Entered: 10/12/2004)
10/12/2004		RULE 5(c)(3) DOCUMENTS SENT as to Jose Eduardo Rodriguez Minaya from the U.S.D.C. Southern District of New York to the United States District Court - District of Massachusetts. Sent original file along with documents numbered 1-3, certified copies of: Rule 5(c)(3) Documents, the docket sheet, and letter of

		acknowledgment, on 10/12/2004. (gq,) (Entered: 10/12/2004)
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ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

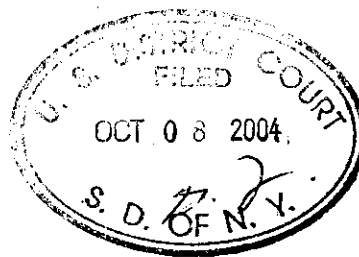
- v. -

JOSE EDUARDO RODRIGUEZ
MINAYA,

Defendant.

DOC # 1
04 MAG 1958

RULE 5(C)(3) AFFIDAVIT



SOUTHERN DISTRICT OF NEW YORK, ss.:

MARLOW LUNA, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), and charges as follows:

On or about October 6, 2004, the United States District Court for the District of Massachusetts issued a Warrant for the Arrest of "Jose Antonio Cruz" (the "Arrest Warrant"). The Arrest Warrant was issued based upon an Indictment charging "Jose Antonio Cruz" with conspiracy to possess, and to possess with intent to distribute, cocaine, in violation of Title 21, United States Code, Sections 841(B)(1)(A) and 846. A copy of the Arrest Warrant and Indictment are attached hereto as Exhibits A and B, respectively.

I believe that JOSE EDUARDO RODRIGUEZ MINAYA, the defendant, who was arrested on October 8, 2004, in the Southern District of New York, is the same individual as the "Jose Antonio Cruz" who is wanted in the District of Massachusetts.

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am currently assigned to the New York Field Division of the DEA. This affidavit is based in part on my conversations with other persons and law enforcement officers and my review of reports and records. Because this affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned relating to JOSE EDUARDO RODRIGUEZ MINAYA, the defendant. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part,

A TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.
DEPUTY CLERK

unless otherwise indicated.

2. In or about July 2004, I was contacted by a DEA Agent with the New England Field Division ("Agent-1") and informed that his office had begun an investigation of an individual observed selling and distributing cocaine in and around Boston, Fall River, and New Bedford, Massachusetts. On or about July 19, 2004, that individual was the subject of a traffic stop and produced identification in the name "Jose Antonio Cruz."

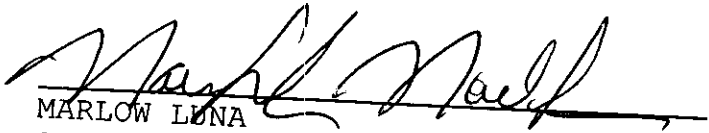
3. Subsequently, the car in which "Jose Antonio Cruz" was stopped was outfitted with a Global Positioning System ("GPS"). The GPS indicated that the car was eventually driven to a residence in the Bronx, New York. Agent-1 provided me with a photograph of "Jose Antonio Cruz" and the Bronx address where the car was located as well as a description of the car.

4. At various times in or about August 2004, I conducted surveillance with other agents at the Bronx address provided to me by Agent-1. I saw an individual matching the photograph of "Jose Antonio Cruz" given to me by Agent-1 entering and exiting the address. I also witnessed the same individual entering and exiting the car described to me by Agent-1.

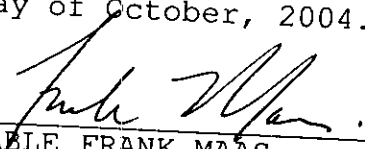
5. On or about October 6, 2004, I learned that "Jose Antonio Cruz" was wanted on an indictment out of the District of Massachusetts. On or about October 8, 2004, I went with other agents to the Bronx address of "Jose Antonio Cruz" mentioned above. The car that had previously been outfitted with a GPS and that had been described to me by Agent-1 was parked in the driveway to the residence. When we knocked on the door to the residence, "Jose Antonio Cruz" answered. "Jose Antonio Cruz" identified himself as JOSE EDUARDO RODRIGUEZ MINAYA, the defendant, and informed me that he is typically called "Eduardo," one of the aliases listed in the attached indictment.

6. For all the foregoing reasons, I believe that JOSE EDUARDO RODRIGUEZ MINAYA, the defendant, is "Jose Antonio Cruz," the subject of the Arrest Warrant.

WHEREFORE, deponent prays that JOSE EDUARDO RODRIGUEZ MINAYA, the defendant, be imprisoned or bailed as the case may be.


MARLOW LUNA
Special Agent
United States Drug Enforcement
Administration

Sworn to before me this
8th day of October, 2004.


HONORABLE FRANK MAAS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

DISTRICT OF
MASSACHUSETTS

UNITED STATES OF AMERICA

v.

WARRANT FOR ARREST

Case Number:

04-10314-RCL

MANUEL E. PINALES,
JOSE ANTONIO CRUZ a/k/a "Eduardo LNU,"
LUIS R. CLAS a/k/a "Cuba,"
RICHARD PENA, and [REDACTED]

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JOSE ANTONIO CRUZ
Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ INDICTMENT ☐ INFORMATION ☐ COMPLAINT ☐ ORDER OF COURT ☐ VIOLATION OF NOTICE ☐ PROBATION VIOLATION PETITION

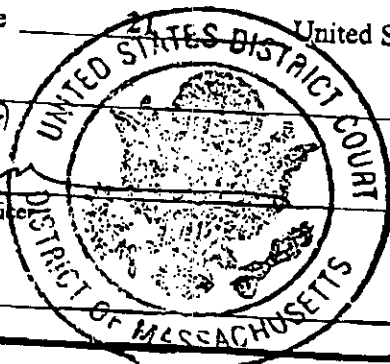
CHARGING HIM OR HER WITH (brief description of offense)

Conspiracy to Distribute Cocaine

in violation of Title 21 United States Code, Section(s) 846

Name of Issuing Officer

Signature of Issuing Officer



UNITED STATES MAGISTRATE JUDGE
Title of Issuing Officer

Boston, MA: OCT - 6 2004
Date and Location

BY

HON. ROBERT B. COLLINGS
UNITED STATES MAGISTRATE JUDGE
United States District Court
United States Courthouse - Suite 6420
1 Courthouse Way
Boston, MA 02210

RETURN

THIS WARRANT WAS RECEIVED AND EXECUTED WITH THE ARREST OF THE ABOVE NAMED DEFENDANT
AT _____

RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

(1) MANUEL E. PINALES,
(2) JOSE ANTONIO CRUZ,
a/k/a "Eduardo LNU"
(3) LUIS R. CLAS,
a/k/a "Cuba"
(4) RICHARD PENA, and
[REDACTED]

) Criminal No. 04-CR-10314 RCL

) VIOLATIONS:

) 21 U.S.C. § 846

) Conspiracy to Distribute Cocaine

) 21 U.S.C. §§ 841 (a)(1)

) Distribution of Cocaine and Possession with
Intent to Distribute

) 18 U.S.C. § 2

) Aiding and Abetting

INDICTMENT

COUNT ONE: (21 U.S.C. § 846 – Conspiracy To Distribute Cocaine)

The Grand Jury charges that:

From in or about June 2004, and continuing thereafter until on or about October 6, 2004,
the date of this Indictment, at Boston, Fall River, New Bedford and elsewhere in the District of
Massachusetts, and elsewhere

(1) MANUEL E. PINALES,
(2) JOSE ANTONIO CRUZ a/k/a "Eduardo LNU,"
(3) LUIS R. CLAS a/k/a "Cuba,"
(4) RICHARD PENA, and
[REDACTED]

defendants herein, did knowingly and intentionally conspire, combine, confederate and agree
with each other and with persons known and unknown to the Grand Jury, to possess with intent
to distribute, and to distribute, cocaine, a Schedule II controlled substance, in violation of Title

21, United States Code, Section 841(a)(1).

It is further alleged that the conspiracy described herein involved five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance. Accordingly, in violation of Title 21, United States Code, Section 841(b)(1)(A)(ii) applies to this count.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: (21 U.S.C. § 841(a)(1)—Distribution of Cocaine; 18 U.S.C. § 2—Aiding and Abetting)

The Grand Jury further charges that:

On or about September 27, 2004, at Boston, in the District of Massachusetts,

(1) **MANUEL E. PINALES** and
(3) **LUIS R. CLAS a/k/a "Cuba"**

defendants herein, knowingly and intentionally did possess with intent to distribute and did distribute cocaine, a Schedule II controlled substance.


It is further alleged that the offense described herein involved five hundred (500) grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(ii) applies to this Count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE: (21 U.S.C. § 841(a)(1)—Possession with Intent to Distribute Cocaine;
18 U.S.C. § 2—Aiding and Abetting)

The Grand Jury further charges that:

On or about September 27, 2004, at Boston, in the District of Massachusetts,


defendant herein, knowingly and intentionally did possess with intent to distribute and did distribute cocaine, a Schedule II controlled substance.

It is further alleged that the offense described herein involved five hundred (500) grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(ii) applies to this Count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR: (21 U.S.C. § 841(a)(1)—Distribution of Cocaine; 18 U.S.C. § 2—Aiding and Abetting)

The Grand Jury further charges that:

On or about September 29, 2004, at Boston, in the District of Massachusetts,

(1) MANUEL E. PINALES and
(3) LUIS R. CLAS a/k/a "Cuba"

defendants herein, knowingly and intentionally did possess with intent to distribute and did distribute cocaine, a Schedule II controlled substance.

It is further alleged that the offense described herein involved five hundred (500) grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance. Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(ii) applies to this Count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION
(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the narcotics offenses alleged in Counts One through Four of this Indictment,

(1) MANUEL E. PINALES,
(2) JOSE ANTONIO CRUZ a/k/a "Eduardo LNU,"
(3) LUIS R. CLAS a/k/a "Cuba,"
(4) RICHARD PENA, and
[REDACTED]

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

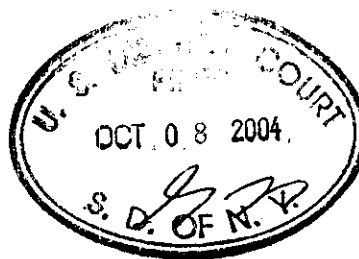
it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 18, United States Code, Section 853.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA
against
JOSE RODRIGUEZ
(Alias) _____

Please PRINT Clearly



04 May 1958
DOCKET NO. ASSIGNED
JUDGE OR MAGISTRATE JUDGE

NOTICE OF
APPEARANCE

TO: **CLERK OF COURT S.D.N.Y.**

SIR: YOU ARE HEREBY NOTIFIED THAT I APPEAR FOR THE DEFENDANT INDICATED ABOVE IN THE ENTITLED ACTION.

I AM APPEARING IN THIS ACTION AS (Please check one)

1. ☐ CJA 2. ☒ RETAINED 3. ☐ PUBLIC DEFENDER (Legal Aid)

ADMITTED TO PRACTICE IN THIS COURT ☐ NO ☐ YES - IF YES GIVE YOUR DATE OF
ADMISSION. MO. _____ YR. _____

I DO HEREBY CERTIFY THAT I HAVE FILED OR WILL FILE A CERTIFICATE OF GOOD STANDING
FROM THE _____ STATE COURT, PURSUANT TO CRIMINAL RULE 1 OF THE
LOCAL RULES FOR THE SOUTHERN AND EASTERN DISTRICTS OF NEW YORK.

DATED: NEW YORK, NEW YORK

SIGNATURE OR DA

PRINT THE FOLLOWING INFORMATION CLEARLY

TACK GOLDBERG BY: ALEXEI SCHACHT
Attorney for Defendant

225 BROADWAY
Firm name if any

STE 905
Street address

NY NY 10007
City State Zip

(212) 212-227-1900
Telephone No

10/8/04
A TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.
DEPUTY CLERK

DISPOSITION SHEET

Christopher Garcia
AUSA

DATE OF ARREST 10/8
☐ VOL. SURRENDER
☐ ON WRIT

MAGISTRATE'S
DOCKET NUMBER 04M1958

TIME OF ARREST 1:15 PMTIME OF PRESENTMENT 6:30 PM

PROCEEDING: ☐ Rule 5 ☐ Rule 9 ☐ Rule 40 ☐ Detention Hearing ☒ Other: RULE 5(e)(3)
(District of Massachusetts)

☐ INTERPRETER NEEDED LANGUAGE: _____

DEFENDANT'S NAME: JOSE EDUARDO RODRIGUEZ MINAYACOUNSEL'S NAME: ALEXEI SCHACHT
☒ RETAINED ☐ LEGAL AID ☐ CIA

BAIL DISPOSITION

- ☒ DETENTION ☒ ON CONSENT W/O PREJUDICE ☐ SEE DETENTION ORDER
☐ DETENTION HEARING SCHEDULED AT DEFENDANT'S REQUEST FOR _____
☐ AGREED BAIL PACKAGE
☐ \$ _____ PRB
☐ _____ FRP
☐ \$ _____ CASH/PROPERTY: _____
☐ TRAVEL RESTRICTED TO SDNY/EDNY/ _____
☐ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)
☐ REGULAR PRETRIAL ☐ STRICT PRETRIAL ☐ DRUG TESTING/TREATMENT
☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING:
 CONDITIONS: _____
☐ DEFENDANT TO BE RELEASED UPON FOLLOWING CONDITIONS: _____

REMAINING CONDITIONS TO BE MET BY _____

☐ OTHER:

Mr. Schacht standing in unwilling to waive identity hearing, but it may be waived once Mr. Goldberg confers with AUSA Garcia

A TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.

DEPUTY CLERK

FOR RULE 40 CASES:

- ☐ ID HEARING WAIVED
☐ DEFENDANT TO BE REMOVED

- ☐ PRELIMINARY HEARING WAIVED
☐ ON DEFENDANT'S CONSENT

IDENTITY
DATE FOR PRELIMINARY HEARING 10/14 NOON
COMMENTS AND ADDITIONAL PROCEEDINGS: _____

☐ ON DEFENDANT'S CONSENTDATE 10/8/2004

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

AO 94 (Rev. 8/97) Commitment to Another District

ORIGINAL**UNITED STATES DISTRICT COURT**

SOUTHERN

District of

NEW YORK

UNITED STATES OF AMERICA

V.

JOSE EDUARDO RODRIGUEZ MINAYA

COMMITMENT TO ANOTHER DISTRICT**DOCKET NUMBER**

District of Arrest

District of Offense

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

04 MAG 1958

04-CR-10314

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN☒ Indictment☐ Information☐ Complaint☐ Other (specify)

RULE 40 AFFIDAVIT

charging a violation of

TITLE 21

U.S.C. § 841 (b) (1) (a) & 746

DISTRICT OF OFFENSE

MASSACHUSETTS

DESCRIPTION OF CHARGES:

Conspiracy to posses, and to possess with intent to distribute cocaine.

CURRENT BOND STATUS:☐ Bail fixed at

and conditions were not met

☐ Government moved for detention and defendant detained after hearing in District of Arrest☒ Government moved for detention and defendant detained pending detention hearing in District of Offense☐ Other (specify)**Representation:**☒ Retained Own Counsel☐ Federal Defender Organization☐ CJA Attorney☐ None**Interpreter Required?**☒ No☐ Yes

Language: Spanish

TO: THE UNITED STATES MARSHAL**DISTRICT OF**

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

10/08/04

Date

United States Judge or Magistrate Judge

RETURN**This commitment was received and executed as follows:**

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY

A TRUE COPY
UNITED STATES MAGISTRATE
FOR THE SOUTHERN DISTRICT OF N.Y.

DEPUTY CLERK